

for the required foreign aircraft permit, and further procedures on such application shall be as directed by the Department.

(g) *Short notice filing.* Nothing in this section shall be construed as precluding the filing of an application for a foreign aircraft permit to perform transit operations pursuant to the International Air Services Transit Agreement less than 30 days in advance of the proposed operation. No such flights shall be operated, however, unless or until a specific foreign aircraft permit has been issued by the Department.

(h) *Nature of privilege conferred.* Air transportation is not authorized under this section, and the burden rests upon each operator and carrier to show that the proposed operations will not constitute air transportation within the meaning of the Federal Aviation Act. In addition, each operator and carrier has the burden of demonstrating that the proposed operations are authorized by the International Air Services Transit Agreement, and that the appropriate authorization should not be withheld pursuant to section 5 of Article I thereof. Stopovers for the convenience or pleasure of the passengers are not authorized under this section and stops other than for strictly operational reasons shall not be made. The consolidation on the same aircraft of an operation under this section with a service authorized under section 402 or 416(b) of the Act is not authorized by this section. Any authorization or permit granted under this section is non-transferable, and may be withheld, revoked, suspended, withdrawn, or cancelled by the Department, without notice or hearing, if required by the public interest. Operators of aircraft registered in countries not parties to the International Air Services Transit Agreement shall make special application to the Department under § 375.70.

Subpart G—Penalties

§ 375.60 Penalties.

The operation of a foreign aircraft within the United States or over adjacent territorial waters in violation of the provisions of this part constitutes a violation of the Federal Aviation Act and of this chapter, and may, in addition, constitute a violation of the rules of the Federal Aviation Administration. Such operation makes the person or persons responsible for the violation or violations subject to a civil penalty as provided in section 901 of the Act, and to the alteration, amendment, modification, suspension or revocation of any permit issued under this part and of any U.S. certificate involved as provided in section 609 of the Act. Engaging in air transportation as defined in the Act by a foreign aircraft without a foreign air carrier permit issued pursuant to section 402 of the Act or an exemption, or in violation of the terms of such authority constitutes not only a violation of this part but of title IV of the Act as well, which entails a criminal penalty as set forth in section 902 of the Act.


Subpart H—Special Authorization

§ 375.70 Special authorization.

Any person desiring to navigate a foreign civil aircraft within the United States other than as specifically provided in this part may petition the Department for a special authorization to conduct the particular flight or series of flights. Such authorization may be issued only if the Department finds that the proposed operation is fully consistent with the applicable law, that the applicant's homeland grants a similar privilege with respect to operators of U.S.-registered aircraft, and that the proposed operation is in the interest of the public of the United States.

APPENDIX A TO PART 375—FORM 4509

Approved by OMB
No. 2106-0002
Expires 11/30/87

 <p>U.S. Department of Transportation</p> <p>APPLICATION FOR FOREIGN AIRCRAFT PERMIT OR SPECIAL AUTHORIZATION UNDER PART 375</p> <p>(See Instructions On Reverse Side)</p>		<p>DO NOT WRITE—FOR OFFICIAL USE ONLY</p> <p>Disposition of Applications:</p> <p><input type="checkbox"/> Approved</p> <p><input type="checkbox"/> Approved, subject to condition(s) on reverse.</p> <p><input type="checkbox"/> Disapproved/Dismissed for reason(s) cited on reverse.</p> <p>Under assigned authority _____</p> <p>Effective from _____ to _____</p> <p>Director, Office of Aviation Operations</p>	
<p>TO: Department of Transportation Licensing Division, P-45 Office of Aviation Operations Washington, D.C. 20590</p> <p>1. Name and address of applicant: (operator)</p> <p>Nationality: _____</p>		<p>Operations pursuant to this authorization shall conform to Part 375 of the Department's Regulations and Part 91 of the Federal Aviation Regulations. THIS PERMIT MUST BE CARRIED ABOARD AIRCRAFT DURING FLIGHT OVER UNITED STATES TERRITORY.</p>	
<p>2. Send authorization to:</p> <p>a. Name and address:</p> <p>b. Telephone: _____</p>	<p>3. Aircraft make, model, and registration or identification marks:</p>	<p>4. Country in which aircraft is registered:</p>	
<p>5. Name and address of registered owner of aircraft:</p>	<p>6. Name and address of contractor/charterer:</p>		
<p>7. Dates of flights:</p>			
<p>8. Planned routing of flights (indicate non-traffic stops by asterisks):</p>			
<p>9. Description of operations (see instructions) (Check one):</p> <p>Passenger <input type="checkbox"/> Cargo <input type="checkbox"/> Agricultural or Industrial operation <input type="checkbox"/></p>			
<p>10. Does the nation which is the domicile of the applicant grant to United States carriers a privilege similar to that requested herein? _____; if so, has the fact of such reciprocity been established with the Department? _____. If the fact has not been established with the Department, provide documentation to establish such reciprocity.</p>			

OST Form 4509 (Rev. 2/20/86)

11. If application is being filed late, state reasons for lateness:
12. Other information requested by the Department:
<p style="text-align: center;">CERTIFICATION</p> <p>I hereby certify that the flights for which authority is sought herein conform to the requirements of the applicable regulations and orders of the Department of Transportation.</p> <p>_____ (Date)</p> <p>_____ (Signature and title of authorized officer)</p>

INSTRUCTIONS

1. Prepare an original and one copy of this application according to Section 375.43 of the Department's Regulations. If extra space is required to complete an item, continue on a separate sheet of paper.
2. Under Item 9:
 - (a) For passenger flights, provide full identification or description of group contracting for charter, and name and address of travel agent, if any.
 - (b) For cargo flights, provide the names of all contractors, description of cargo, beneficial owner of cargo, and provide a full description of the proposed operation including nature of any service to be performed by any exporter, importer, or transportation agent.
 - (c) For agricultural or industrial operations, describe area involved and purpose of operations.
3. Send the application to: Department of Transportation, Licensing Division, P-45, Office of Aviation Operations, Washington, D.C. 20590.
4. See Part 91 of Federal Aviation Regulations and 375 of the Department's Regulations (14 CFR 91 and 14 CFR 375) for a full statement of the rules respecting navigation of foreign civil aircraft within the United States.

<p style="text-align: center;">DO NOT WRITE—FOR OFFICIAL USE ONLY</p> <p>Exercise of the authorization is subject to the following condition(s): <u>OR</u> Application is disapproved/dismissed for the following reason(s):</p>
